

**Notice of Allowability**

Application No.

10/517,418

Examiner

Jordan M. Schwartz

Applicant(s)

BONITZ ET AL.

Art Unit

2873

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments received 6/9/06 and 6/15/06.
2. ☒ The allowed claim(s) is/are 10-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Art Unit: 2873

Allowed Claims: 10-18.

***Examiner's Amendment/Reasons for Allowance/Examiner's Comments***

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Valance on August 10, 2006.

The application has been amended as follows:

1. Claim 15, line 6, after "(2)," insert --the fine structure (2) has a roughness in a range of from 1  $\mu\text{m}$  to 10  $\mu\text{m}$ ,-- and
2. Claim 18, line 8, after "provided" insert --only in a ring shaped pattern--.

**Reasons for Allowance**

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claim 10, none of the prior art either alone or in combination, disclose or teach of the claimed optical lens specifically including, as the distinguishing features in combination with the other limitations, the claimed fine structure having a roughness greater than that of the microstructure, and the claimed microstructure having a roughness within the claimed range so as to modulate the fine structure thus providing a

Art Unit: 2873

soft-focus effect. Specifically, with reference to independent claims 12-15, none of the prior art either alone or in combination, disclose or teach of the claimed optical lens specifically including, as the distinguishing features in combination with the other limitations, the claimed fine structure and the claimed microstructure having roughnesses within the claimed ranges. Specifically, with reference to independent claim 16, none of the prior art either alone or in combination, disclose or teach of the claimed optical lens specifically including, as the distinguishing features in combination with the other limitations, the roughness of the fine structure within the claimed range and the claimed roughness of the fine structure decreasing in the direction from the optical axis toward the outer periphery. Specifically, with reference to independent claim 17, none of the prior art either alone or in combination, disclose or teach of the claimed optical lens specifically including, as the distinguishing features in combination with the other limitations, the roughness of the fine structure within the claimed range and the claimed roughness of the fine structure of a region oriented toward the optical axis decreases toward another region oriented toward the outer periphery. Specifically, with reference to independent claim 18, none of the prior art either alone or in combination, disclose or teach of the claimed optical lens specifically including, as the distinguishing features in combination with the other limitations, the roughness of the fine structure within the claimed range and the embossed fine structure and the embossed microstructure are provided only in a ring shaped pattern extending concentrically about the optical axis and on an aspherical side of the lens.

Art Unit: 2873

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Examiner's Comments

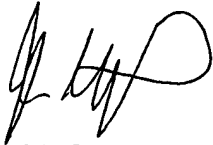
An explanation of the relevance (an English translation) was provided for document DE 1 099 964 and therefore this reference has now been considered. The IDS containing this document has therefore been initialed and is enclosed herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
August 10, 2006

## REPLACEMENT SHEET

1/2

Approved by  
the examiner  
H:

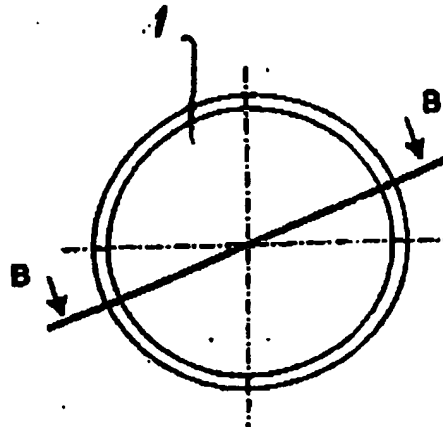


Fig. 1

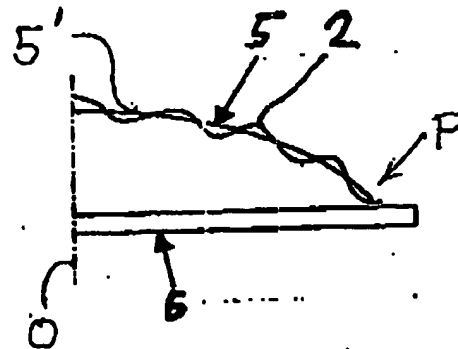


Fig. 2

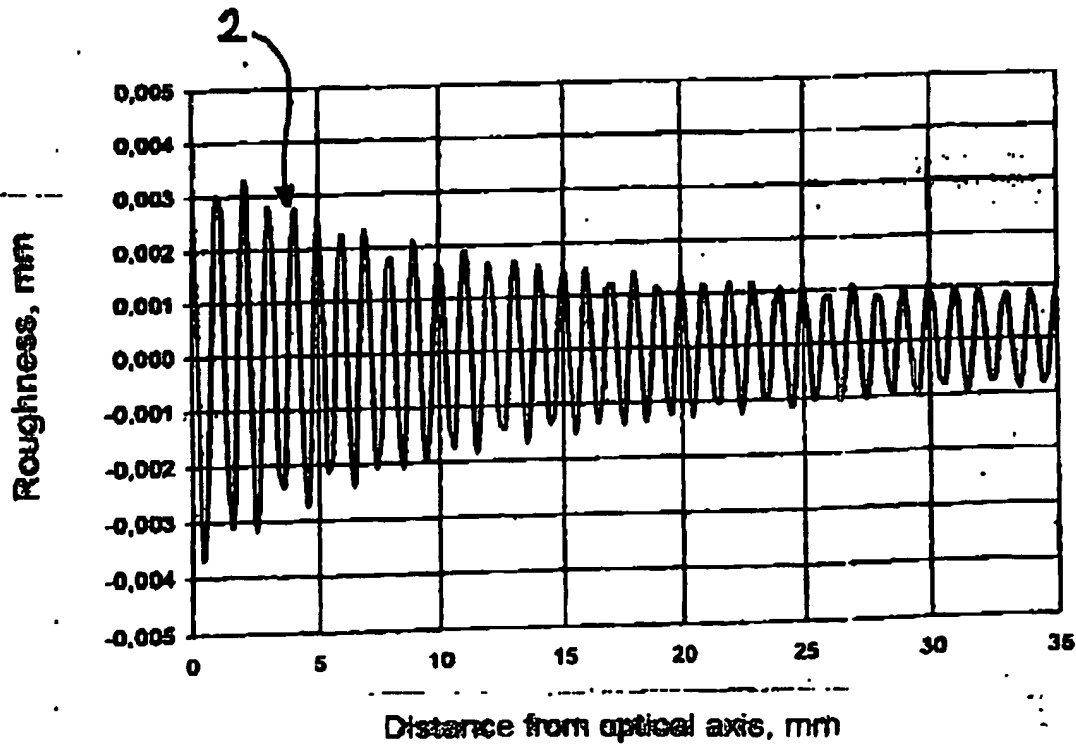


Fig. 3